

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LEAF FUNDING, INC.,)
)
Plaintiff,)
)
v.)

Case No. 3:06-0938
Judge Echols

EMANUELE BUTERA d/b/a)
WHATSINUSA.COM LLC, d/b/a)
B-FLATS DUELING PIANO BAR OF)
COOL SPRINGS, LLC, d/b/a)
AMERICAN CLUB SYSTEMS, INC.)
d/b/a FITNESS EXPRESS MGT)
OF NASHVILLE LLC, d/b/a)
FITNESS EXPRESS - MGT)
CORPORATION, d/b/a WORLD GYM,)
d/b/a BAHAMA MAMMAS OF)
COOL SPRINGS, LLC)
JENNIFER BUTERA,)
DIRK W. PARKINSON,)
BRIAN K. BALL,)
TOTAL FITNESS SYSTEMS, LLC,)
FITNESS EXPRESS LLC,)
of MOUNT JULIET d/b/a)
WORLD GYM of MOUNT JULIET,)
FITNESS EXPRESS LLC of)
SPRING HILL, d/b/a WORLD GYM)
of SPRING HILL,)
FITNESS EXPRESS of SMYRNA)
CORPORATION)
d/b/a WORLD GYM OF SMYRNA,)
FITNESS EXPRESS LLC)
of GALLATIN d/b/a WORLD GYM)
OF GALLATIN,)
FITNESS EXPRESS, LLC)
d/b/a WORLD GYM OF)
COOL SPRINGS,)
FITNESS EXPRESS OF)
CHATTANOOGA LLC, d/b/a)
WORLD GYM OF CHATTANOOGA I,)
BAHAMA MAMMAS OF SPRING HILL,)
LLC, FITNESS EXPRESS OF)
JENKINS RD, LLC, d/b/a WORLD)
GYM CHATTANOOGA II, LEAR)
FITNESS LLC, and)
FITNESS EXPRESS)
OF CLARKSVILLE, LLC,)
)
Defendants.)

PRELIMINARY INJUNCTION ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction (Docket Entry No. 2) is hereby GRANTED insofar as Plaintiff is seeking a Preliminary Injunction under Federal Rule of Civil Procedure 65;

(2) It is hereby ORDERED that all named Defendants and their respective officers, agents, servants, employees and attorneys and those persons in active concert or participation with any of them are hereby enjoined from either directly or indirectly moving, transferring, or otherwise alienating or impairing, damaging, concealing or dispersing any equipment or property covered by the Master Lease Agreement and Addendum with Leaf Funding as set forth in Exhibit "A" attached hereto, or removing any such equipment or other property of Plaintiff from the jurisdiction of this Court;

(3) This Preliminary Injunction is subject to the \$400,000 bond Plaintiff posted on October 12, 2006 (see Docket Entry Nos. 13, 14) for securing the issuance of the Temporary Restraining Order (See Docket Entry Nos. 11, 12) to make good such damages not to exceed said sum as may be suffered by any party who is found to be wrongfully restrained and/or enjoined through the issuance of this Preliminary Injunction;

(4) This Preliminary Injunction will remain in full force and effect until further order of this Court;

(5) Plaintiff's request for a Writ of Possession as contained in its Motion for a Temporary Restraining Order and Preliminary Injunction (Docket Entry No. 2) is hereby PROVISIONALLY GRANTED. The Court will issue a Writ of Possession substantially in the form of the writ proposed by the Plaintiff unless the parties reach agreement that such a Writ need not issue. Within ten (10) days of the date of entry of this Order, Plaintiff shall inform the Court, in writing, whether the issuance of a Writ of Possession is necessary;

(6) Plaintiff's request for Attachment of certain bank accounts as contained in its Motion for a Temporary Restraining Order and Preliminary Injunction (Docket Entry No. 2) is hereby DENIED; and

(7) The requirements contained in paragraph (6) of this Court's Temporary Restraining Order (Docket Entry No. 12) requiring that Defendants provide Plaintiff with certain specified information remains in full force and effect.

This case is hereby referred to the Magistrate Judge for pretrial case management in accordance with Local Rule 16.01.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE